Supreme Court, U.S.
FILED
FEB 2 1990
JOSEPH F. SPANIOL, JR.
CLERK

89-1460

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1989

BETSEY WARREN LEBBOS,

Petitioner

vs.

SAN JOSE MUNICIPAL COURT

Respondent

APPENDIX TO PETITION

BETSEY WARREN LEBBOS
P.O. Box 40
New Almaden, Ca.
95042-0040
408-279-3100

January 21, 1990

Petitioner Attorney
Pro Se

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SUPREME COURT OF THE

STATE OF CALIFORNIA

Be it Remembered that upon certification of the Examining Committee of the State Bar of California and by Order of this Court BETSEY WARREN LEBBOS was admitted as an Attorney and Counsellor at law and has taken abd subscribed the oath as required by law and is hereby licensed as such Attorney and Counselor to practice in all the Courts of the State.

In Witness Thereof, I have hereunto set my hand and and affixed the offic ial seal this 18th day of July, A.D. 1975.

G E Bickel

seal

Clerk of the Supreme Court of the State of California

Appendix 1

Return this portion with your check-
Do not fold

THE STATE BAR OF CALIFORNIA 1989

Membership Fee Notice

Betsey Lebbos

64842

Sections	Fee	Add
Antitrust	$25	
Business law	$25	
Criminal law	$25	
Estate Planning Trust and probate	$25	
General Practice	$30	
Intellectual Property practice	$30	
International law	$30	
Labor Law	$30	
Law Practice Management	$35	
Legal Services	$25	
Litigation	$35	
Public Law	$30	

Appendix 2a

Real Property law	$30
Taxation	$30
Worker's Comp	$30
SECTIONS TOTAL	

1989 MEMBERSHIP FEES SECTIONS

PAID

7/06/89

THE STATE BAR OF CALIFORNIA

Scaled fees _____

Sections Additions_____

Donation/ $ 25 or more_____

New Total $ 417

Appendix 2b

1989 State Bar membership free statement Instructions

FEE PAYMENT

Your fee bill has two copies. Keep the one marked " Member's copy" for your files and return the remittance copy. If you change the total amount due by adding sections Memberships or by including a contribution, please be sure the " New Total" line includes these changes. Be sure that the " State Bar c/o First Interstate Bank" mailing address appears in the window of the return envelope. Please do not send your payment directly to the State Bar.

Voluntary Public education and professionalism Fund

- Write the amount you wish to contribute on the " Donation" line, then enter a revised figure on the

" New Total" line.

- SECTION MEMBERSHIP

To join a state bar section

- Check the appopriate box

-Write the amount of section dues in the Sections Additionals and add the revised figured on the " New Totals' Line

- ØTHER INSTRUCTIONS;
ADDRESS CHANGE

To notify the state bar of a change of address

- Do not change your address on the statement
- Instead, use the adress change information request card
- Mail the card separately from your fee payment

Appendix 3b

MUNCIPAL COURT OF CALIFORNIA

SANTA CLARA COUNTY JUDICIAL

DISTRICT, SANTA CLARA FACILITY

FILED

AUGUST 7, 1989

The People of the state of California, Plaintiff vs. Betsey Warren Lebbos, Defendant	no.C8914178 Dept. 22

We, the jury in the above entitled cause, find the defendant Guilty of a Misdeameanor Business and Professions Code section 6126 (b), to wit: unauthorized practice of law, as charged in the complaint.

Carol J. Bower

Foreperson

Dated: 8-7-89

Verdict

Appendix 4a

SAN JOSE MUNICIPAL COURT
SENTENCING ORDER, September 14, 1989

letter dated 9/5/89 locked with crt w/k

BETSEY LEBBOS Hearing. Probation and
6580 Northridge Dr. Sentencing
San Jose, Ca. 95119 agency CN-0
4300-271
Judge. Hon.Leon P. Fox Conner

Reporter Meredith Brown status o-wo
SUPO

attorney John Holly

charges M(01) BP 6126(b)

X defendant present x attorney present

x hrg on Motion New Trial

Motion x denied

x Writ of Corum Nobis denied

Attorneys' fees $ 1000 to Mr. Holly

Appendix 4b

Court x formal provation granted for a period of 3 years from the date of this order

Conditons of probation follow....

Pay to ... P.O.

Pay fine of $ 500

pen. assmnt $ 650

A/R fee $ 30

Resti. Fund $ 50

Amount due $ 1230

Serve 180 days x suspend

PC 2900.5 1 days to be served

Counseling Prog m

150 hours volunteer work as directed

by P.O. S.A.P. report within 10 days

NOT TO PRACTICE LAW AS AN ATTORNEY

Clerk of the Above Entitled court

MittyDuk

Ms. lebbos

SAN JOSE SENTENCING ORDER

HON. LEON FOX, 9/14/89

Appendix 4c

ORDER DENYING WRIT OF HABEAS CORPUS

CRIMINAL NO. SØ1280-

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

SUPREME COURT
FILED

January 3, 1990

In re Betsey Warren Lebbos on Habeas Corpus

IN RE BETSEY WARREN LEBBOS ON HABEAS CORPUS

Petition for Writ of Habeas Corpus DENIED.

Lucas

Chief Justice

Appendix 5

CONWAY V. STATE BAR OF CALIFORNIA

255 Cal.Rptr. 390

(February 21, 1989)

is omitted due to inability to replicate within limitations

endorsed
FILED
October 5, 1989

Grace Yamakawa

By Dos

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

People of the state California, Petitioner vs. Betsey Warren Lebbos Defendant	CASE NO.132304 ORDER

The court has considered the petition for writ of habeas corpus. Althought the Petition shows the title of court as appellate department, there is no record of it pending appeal before the appellate department. The matter is properly before the superior court and not the

appellate department. The presiding judge assigned the matter to the undersiged.

The Petition is not accompanied by the record required by California rule of Court section 56 (c). The order which petitioner seeks to vacate is not included as part of the record.

The Petition does not alleged why the remedy at law is inadequate.

It appears that a main contention of petitioner has been rejected by the California Supreme Court in Conway v. state bar 47 Cal. 3d. 1107 (1989)

The Petition is denied.

Dated; October 5, 19089

LESLIE C. NICHOLS
JUDGE OF THE SUPERIOR COURT

Appendix 29

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

SIXTH APPELLATE DISTRICT

FILED

SEPTEMBER 21, 1989

Court of Appeals

six. appellate

BETSEY WARREN LEBBOS	No.HØØ6188
On Habeas Corpus	Superior Court no. C8914178

BY THE COURT

The Petition for writ of habeas corpus is denied.

(Agliano, P.J.and Cappacioli, J. participated in this decision)

Dated: September 21, 1989

CAPPACIOLI, J. ACTING P.J.

Appendix 30

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

SIXTH APPELLATE DISTRICT

FILED

OCTOBER 27, 1989

Court of Appeals

six. appellate

BETSEY WARREN LEBBOS	No.HØØ6297
On Habeas Corpus	Superior Court no. C8914178

BY THE COURT

The Petition for writ of habeas corpus is denied.

(Agliano, P.J.and Cottle, J. participated in this decision)

Dated: October 27, 1989

AGLIANO, P.J.

Appendix 31

SUPREME COURT OF STATE OF CALIFORNIA

BETSEY WARREN LEBBOS Petitioner vs. San Jose Municipal Court Respondent	Docket no.S012801 Ct. of appeal no. H006188, Superior no. none assigned Mun. Ct. C8914178 PETITION FOR HEARING OF DENIAL OF HABEAS CORPUS BY APPELLATE COURT

SUPREME COURT

FILED

NOVEMBER 7, 1989

BETSEY WARREN LEBBOS
P.O. Box 40
New Almaden, Ca.
95042-0040

408-279-3100

Petitioner/ Attorney

SUPREME COURT OF STATE OF CALIFORNIA

BETSEY WARREN LEBBOS Petitioner	Docket no. Ct. of appeal no.H006188, Superior no. none assigned Mun. Ct. C8914178
vs.	PETITION FOR HEARING OF DENIAL OF HABEAS CORPUS BY APPELLATE COURT
San Jose Municipal Court Respondent	

Pursuant to California Rules of Court Rule 50(b) Petitioner Attorney Betsey Warren Lebbos, petitions for hearing of a denial of a Petition for a Writ of Habeas Corpus directed to the Municipal Court of San Jose, in order to void the attempt of a state

Municipal Court Judge to impair the right of an attorney at law to use her valid and unrestricted licenses to practice law of her admitting and licensing Courts in both the United States Court system and the diverse State Courts of the United States. (Exhibit A).

In support of this Petition, the Petitioner says that it is unconstitutional for a state municipal court judge to attempt to interfere with licensing and admission of " Court Officers, " of the Courts of the United States Federal Court system, which are not part of the state of California state system, as a state judge's jurisdiction may not extend to the seprate and autonomous Federal Court system. Ex Parte Robinson, 19 Wall. 513 (1873); In re: Ruffalo, 88

S. Ct. 1222.

Further, it is unconstitutional for a state municipal court judge to attempt to interfere with or limit the right to practice law of a" Court Officer" admitted and licensed by the state supreme court of the Commonwealth of Massachusetts, a separate and autonomous state sovereignty within the United States of America, which state sovereignty is in no way under the jurisdiction or regulation of a court of the state of California or any judge or private volunteer thereof within its state system. Ex Parte Garland, (1867) 71 U.S. (4 Wall) 333, Bradley v. Fisher, (1870) 13 wall. 335, 20 L. Ed. 646, Ex Parte Robinson, supra, and Cummins v. Missouri (1867), 71 U.S. (4 Wall.) 277.

Further, the attempt by a municipal court state judge to prevent the use of a valid license granted by the state supreme court of the State of California and not impaired nor restricted by said admitting court, is unconstitutional as municipal court judges are without jurisdiction over said state Supreme Court admission and licensing. Ex Parte Robinson, supra.

Further, the underlying criminal statute, and internal rules of a state bar, making it a crime against the People of a state for a duly licensed and admitted attorney to use their valid license from a state supreme court if a private volunteer of a private membership trade group, ex parte, claiming he is an alleged but non-existent " state bar court,"

without notice or hearing,or grounds, transfers an attorney from active state bar membership to inactive state bar membership, violates Article 6, sections 1 and 9 and 16 (a), article 3, section 3, article 2, section 8, of the California state Constitution and the Due Process, Equal Protection, Bill of Attainder, Privileges and Immunities, Impairment of Obligation of Contracts, and First Amendment freedoms, and the guarantee of a Republican form of Government in a state provisions of the United States Constitution.

The request for hearing is so as to determine the limits of jurisdictional claims of a state municipal Court judge and that of a private volutneer of a trade group, state bar, that is limited to being a " Public Corpora-

Corporation," by mandatory provision of the state Constitution, and which jurisdictional claims conflict with all attorneys at law's duties within the United States to support the United States and state Constitutions, and their duty to refuse to take oaths to null and void unconstitutional trade group courts.

RESPECTFULLY SUBMITTED,

Dated: November 5, 1989

BETSEY WARREN LEBBOS

BETSEY WARREN LEBBOS
Petitioner/ Attorney

CIVIL NO. H006188

THE COURT OF APPEALS OF THE STATE

OF CALIFORNIA

SIXTH APPELLATE DISTRICT

BETSEY WARREN LEBBOS Petitioner vs. SAN JOSE MUNICI-COURT Respondent vs. PEOPLE OF THE STATE Real Party in Interest	CIVIL NO. H006188 PETITION FOR WRIT OF HABEAS CORPUS (Cal. Rules of Court, 56,5.60, related appeal

CIVIL NO. H006188

THE COURT OF APPEALS OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

BETSEY WARREN LEBBOS	)	CIVIL NO. H006188
Petitioner	)	PETITION FOR WRIT OF HABEAS CORPUS
vs.	)	
SAN JOSE MUNICIPAL COURT	)	(Cal. Rules of Court, 56,5.60, related appeal
Respondent	)	
vs.	)	
PEOPLE OF THE STATE	)	
Real Party in Interest	)	

PETITION FOR WRIT OF HABEAS CORPUS

To the HONORABLE NAT AGLIANO, Presiding Justice of the Court of Appeals, and Associate Justices:

Petitioner, Betsey Warren Lebbos,

hereby petitions for the issuance of a Writ of Habeas Corpus directed to the Municipal Court of the State of California, County of Santa Clara, San Jose Facility, Santa Clara branch, of the State of California commanding said court to vacate its order sentencing Petitioner, on the basis that said order restrains her liberty in violation of the Constitution and laws of the State of California and the Constitution of the United States, as well as the applicable provisions of the Sherman Anti-Trust Act and violates the provisions of the Federal Racketeering and Influenced Corrupt Organizations Act. People v. Lebbos, San Jose Municipal Court, case no C8914178. A related appeal is pending in the Superior Court, but the municipal court has

failed to transmit the record to date. (Exhibit C)

By verified petition, it is alleged as follows:

I.

Petitioner is a duly licensed and admitted attorney at law for 18 years, fifteen in California. (Exhibit B).She has been neither suspended nor disbarred. Her debtor, state bar, claims it can create itself into an alleged "state bar court," have one of its private volunteers ex parte without notice or hearing, prevent any attorney from practicing law as a " harm to the Public." They then claim they can enforce this private taking of career, business, income, and clients and use of the valid license from the state supreme court, and right to

work, and create their own special interest, private crime as a Public offense against the State. Ca. Business and Professions Code section 6126 (b), as added January 1, 1989.

Petitioner Attorney is a defendant in case no C8914178, People vs. Lebbos. This charges her under a new 1989 statute with " holding herself out as entitled to practice law," while a volunteer of an alleged "state bar court" claims to have enrolled her involuntarily inactive February 17, 1989 as a member of their trade group. Business and Professions Code section 6126 (b). On July 7, 1989 the state bar of California accepted and processed her active state bar member ship dues. (Exhibit B)

The state bar is defendant's debtor and owes her money. Lebbos vs.

state bar, Sixth Appellate District Court docket no. H003074. They are also opposing counsel and party in a preceding civil suit concerning their failure to process embezzlement and mail theft complaints in order to secure bar votes for their existence and increased dues. Lebbos vs. state bar, First Appelate District Court docket no. A044635. Pursuant to Gibson v. Berryhill, 411 U.S.524 (1973), and state bar rule of professional conduct 7-104, this entity, it's agents, servants, and employees were disqualified from attempting to assert any jurisdiction over their own opposing counsel and party.

Notwithstanding their disqualification, an entity that is not permitted to exist in the state, an alleged " state bar court," claims one of its

volunteers on February 13,1989,effective February 17, 1989,without notice or hearing transferred their own opponent in civil litigation against them to inactive status as a member of the state bar of California under new statute Business and Professions Code section 6007 (c); state bar rule of procedure, rules 100, 789-798.

Pursuant to Ca. Constitution,article 6, section 1, no state bar court is permitted in the state of California. It is a Nullity and void as are all of it's claimed acts. Ca.Constitution article 6, sections 1 and 9, article 2, section 8, and article 3, section 3.

On the first business day following this ex parte, alleged " order" of the private volunteer, Mr. Dewald, your Petitioner was cited for con-

tempt of court and an arrest warrant issued, charging a violation of Business and Professions Code section 6126 (b), as added January 1, 1989. On August 7, 1989, the jury found her guilty. People v. Lebbos, San Jose Municipal Court, case no. C 8914178. On August 30,1989, September 18,1989, and October 6, 1989 Notices of Appeal were filed to the Appellate Department of the Santa Clara Superior Court. The Municipal Court acknowledged the Notice of Appeal of Septemer 18,1989. (Exhibit C). On September 13, 1989 Petitioner was sentenced to six months in jail, with the sentence suspended and Petitioner placed on probation for three years. Conditions of Probation are that she not use any of her valid Massachusetts, California, and Federal Court

licenses to practice law or lawfully practice law, payment of attorneys' fees and fines, " Awareness Counselling," 150 hours of volunteer work. Petitioner refused to accept probation. She had already requested mandatory bail on appeal. A Municipal Court judge or a state bar association has no jurisdiction over any state licenses from any state supreme courts or any licenses from the United States District Courts or Court of Appeals of the United States. Only admitting courts have such jurisdiction.There is no order from the Petitioner's admitting courts preventing her from using any of her valid licenses to practice law. Ex Parte Robinson, 19 Wall. 513 (1873); Ex Parte Garland, 4 Wall. 333, 18 L. Ed. 370, (1867); Bradley v. Fisher,

13 Wall. 335, 20 L. Ed. 646 (1870); Theard v. United States, La., 77 S. Ct. 1274, 354 U.S. 278, 1 L. Ed. 2d. 1342; In re: Ruffalo, 88 S. Ct. 1222, 390 U.S. 544, 20 L. Ed. 2d 117, rehearing denied 88 S. Ct. 1833, 390 U.S. 961, 20 L. Ed. 2d 874.

A Petition for a Writ of Habeas Corpus was filed both with the Superior Court and, due to its disqualification due to a decision of the Ninth Circuit Court of Appeals, Aida Madeleine Lebbos, et. al. v. Judges, Santa Clara Superior Court, et. al., Ninth Circuit Court of Appeals, docket no. 87-2105, and its' own prior disqualification for cause on the concomitant contempt, with this Court of Appeals. People v. Lebbos, Santa Clara Superior Court, case no. 132304; Betsey Warren Lebbos, on Habeas Cor-

pus, Court of Appeals,Sixth Apellate District Court, docket no. HØØ6188. On September 21, 1989, this Court denied the Petition for a Writ.(Exhibit D). On October 5,1989,the superior court denied the Petition.(Exhibit E) It has refused to date to appoint appellate criminal counsel, claiming they have not received the September 19,1989 notice of the appeal. (Exhibit F)

Petitioner is unlawfully restrained of her liberties, freedoms, and privileges at law by the order of sentencing and probation of September 13, 1989, entered in Department 21 of the San Jose Municipal Court.

II.

Petitioner Attorney was charged by complaint with " advertising or holding herself out as entitled to prac-

tice law, and practicing law, while involuntarily enrolled as inactive by the state bar in membership in their trade group, in violation of new statute, Business and Professions code 6126 (b). She was arraigned, entered plea of not guilty, filed motions to dismiss for unconstitu-ionality. The same were denied. The Jury was instructed an alleged order of a private volunteer of the associa Petitioner's debtor, the state bar tion, Mr. Dewald, purporting to make the defendant attorney inactive with-out notice or hearing, was valid. It was, of course, invalid,as without notice or hearing. The state bar repetitively acts without notice to take away Lebbos'rights to law. see Lebbos vs. State Bar, Sixth appellate district court, docket no.

H003074, decision of May 11, 1989, at page 8,"... an order obtained without notice may be attacked at any time. " Defendant's subpoenas for production of documents and witnesses were all quashed. The state bar admitted they made Lebbos inactive without notice or hearing.

III.

Petitioner attorney alleges that the order of sentencing is invalid and in excess of the court's jurisdiction in that the criminal statute is unconstitutional as an unconstitutional Bill of Attainder, and as a taking of the right to practice law of a validly licensed and admitted attorney who is neither suspended nor disbarred and with no due process of law, either procedural or substantive, nor notice, hearing, or court

action and no review, and in violation of the privileges and immunities accuring to all Attorneys at law in the United States, and in violation of the express prohibitions and illegal combinations and conpiracies of private persons in restraint of the trade and commerce of their own opponents forbidden and made a Federal crime by the Sherman Anti-Trust Act. Said selective enforcement of an unconstitutional statute is a violation of the Federal Racketeering and Influenced Corrupt Organizations Act, prohibiting the selling of official influence for private gain.

No volunteer of a private trade group can have a private crime to enforce his definition of " harm to the Public," and then purport to take property or liberty of an attorney

without notice or hearing, and especially not of his own competitor or creditor.

The new statutes allowing such private takings are modeled on the special interest, trade group courts of Communist China, c.f. article 25, Constitution of the People's Republic of China; see Hsia and Haun, the 1975 Revised Constitution of the People's Republic of China, Library of Congress, Law Library and LaFave, Law in the Soviet Society, " Soviet Procedures in Civil Decisions." The state bar court is an exact replica of the chinese communist trade group court model of party regulars taking fellow engineers or other professionals' right to work for " harm to the Public," without real courts, real judges,notice or hearing. Now Cali-

fornia, the first state in the nation to abolish a Republican form of government, is faced with the creation of a communist-modeled trade group court, of private volunteers taking their opponents'and competitors' right to work. Business and Professions Code section 6086.5, 6007 (b) (c), 6126 (b), 6084, all as added January 1, 1989.

The issues herein are not dealt with in Conway v.state bar, 47 Cal. 3d 1107, and were, in fact, never raised and did not deal with making an attorney inactive ex parte with no client complaints and for alleged " conduct posing a substantial threat of harm to the interests of the Public, " a matter outside the subject matter jurisdiction of a private trade group, and solely within the

domain of the elected, Public officials of the state. No decision has addressed the Sherman Anti-Trust and RICO prohibitions and violations herein contained, or the Bill of Attainder, Due Process of law, Privileges and Immunities, Republican form of government constitutional issues presented in this Petition.

Petitioner has no speedy or adequate remedy at law. She is currently deprived of her lawful right to work and earn a living and practice law by a municipal court judge who has no subject matter jurisdiction and is acting in excess of his limited jurisdiction. She is presently subject to unreasonable restraints on her freedoms and liberties, including the non-jurisdictional claims by a state municipal court judge purporting to

invade the exclusive jurisdiction of Petitioner's admitting courts in both the state systems and the United States Court system, and to prevent access to the United States Courts by state citizens and their counsellors at law by a state judge impeding the rights of state citizens to the United States courts and Federal law.

The offense of which she is charged is not a crime and can not be made a public offense. In re: Berry (1968) 68 C. 2d 137, 145, 65 CR 273, 279. No private volunteer of a trade group can, Ex Parte, without notice or hearing, make orders taking away a licensed attorney's right to practice law granted by the state supreme court and not impaired by her admitting court. The same violates the state and United States Constitutions

by making an innnocent act a public offense, is beyond the police power as clearly arbitrary and unreasonable bearing no substantial relation to the Public's health, safety, morals, or general welfare,is a private crime prohibited by the prohibition on spec ial,interest legislation of the state and United States Constitutions,is an unconstitutional Bill of Attainder, and is a taking of the right to use a vested license with no procedural or substantive due process of law, and violates the privileges and immuni-ities of attorneys nation-wide, their freedom of speech,and rights to asso-ciation and assembly, and constitutes an abrogation of the republican form of government in the state of Cali-fornia, an unlawful interference with interstate commerce, and constitutes

an unlawful delegation of public policy matters to a private volunteer. It also violates on its face the Sherman Anti-Trust Act and the Federal Racketeering prohibitions in it's operation.

As appears herein the conduct is not prohibited by the charged statute. In Re: Ayala (1957) 155 CA 2d 807, 318 P. 2d 698.

Habeas corpus is the proper remedy when the statute is unconstitutional on its face, or when it can not be constitutionally applied to the defendant, or when the conduct is not part of the crime. In re: King (1979) 3 C.3d 226, 90 CR 15;In re Kay (1970) 1 C. 3d 930, 83 CR 686, In re: Bevill (1968) 68 C. 2d 854, 862, 69 CR 599, 604, In re: Newbern (1960) 53 C.2d 786, 3 CR 364. And when the sentence

is in excess of the court's jurisdiction. In re: Estrada (1965) 63 C.2d 740,750, 48 CR 172, 178; In re: May (1976)62 CA 3d 165,133 CR 33.When it is an ex post facto law, Habeas Corpus may raise it.In re: Dewing (1977) 19 C. 3d 54, 136 CR 708.

This Petition incorporates by reference as if set forth in full herein the attached Supplemental Memorandum of Points and Authorities in support of Motion to dismiss.

Wherefore, petitioner respectfully prays that:

A writ of habeas corpus be issued by this court directing the Municipal court of the Santa Clara County to va cate its order of September 13,1989; and that said restraints be voided as beyond the jurisdiction of the court due to invalidity of the statute on

it's face and as applied to Petitioner, and for such other further and appropriate relief as the court deems just and proper.

By: Betsey Warren Lebbos
BETSEY WARREN LEBBOS
Petitioner / Attorney

VERIFICATION

I, BETSEY WARREN LEBBOS, do hereby declare as follows:

I am the counsel in this case. I am also the Petitioner and defendant.

I have knowledge of the foregoing, as it is based on my own personal knowledge, information, and belief.

I have read the foregoing Petition for writ of habeas corpus and know its contents to be true.

I declare under penalties of perjury that the foregoing is true and correct.

Executed this 15 th day of October, 1989 at San Jose, Ca.

RESPECTFULLY SUBMITTED,
Betsey Warren Lebbos
BETSEY WARREN LEBBOS
Petitioner / ATTORNEY

THE SAN JOSE POSE RECORD
Established in 1910

March 28, 1988 76 W. St.John Street
San Jose, Ca. 95113

COUNTY BAR SUPPORTS STATE BAR DUES HIKE

By Sally Douglas

With minimal discussion, the Santa Clara County Bar Association's Board of Trustees voted overwhelmingly in favor of " the state bar retaining control of the disciplinary system and to support the dues increase needed to reform that system."

That proposed increase will hike dues to $ 470 next year to pay for improvements in California's lawyer discipline system.

The sole "no" came from Cindy Ross, the President of the Barristers." The feeling of most of the barristers... was that even though we might person-

ally support the increase, we couldn't speak for all the barristers, especially a lot of barristers are in the position that I think a substantial increase could hurt them, said Cindy Ross, president of the Barristers.

The Barristers, a committee of the Santa Clara County Bar Association is an organizaton of all lawyers under 36 practicing for less than 6 years.

" I wanted to keep mindful of the thought the legislature's going to tinker with this anyway and leave room for people to join the concept without necessarily adopting, you and I disagree on this, some form of scaling, said John Miller, the attorney whe drafted the motion of the board, He is with Miller and Grilli and a Palo Alto Trustee.

Another attorney commented, " Incompetent counsel costs me money. I think private counsel here can agree, Maybe the counsel paid by government can say they cost them time, but in dollars and cents I have to do work that I don't get paid for because of someone on the other side who doesn't know what they are doing or shouldn't be practicing law, If it costs me $ 400 for each of my attorneys in my firm. I'd like to get rid some of those people. I think I can make money in the Long run. On a pure monetary basis, I'd like to get rid of them, said an attorney from Jackson, Brown, and Efting. He is a trustee from Sunnyvale/ Cupertino.

The vote Thursday night was preceded by a 45 minute talk by State Bar President Terry Anderlini, in

which he gave a background of the development of the discipline/ dues increase issue.

The $ 145 a year per year attorney to go for discipline system reform is included in legislation authored by state senator Robert Presley, D-Riverside. Anderlini asked the Santa Clara County Trustees to show unity in supporting the measure, which is to be to be heard sometime before April 15.

He told the bar that if the state-wide organization does not reform its discipline system, the power to recom mend disbarment and other punishment of lawyers must be turned over to the Department of Consumer Affair (DCA).

Anderlini asked the Santa Clara County Bar to consider the conse-quences of such a move, something he

said would leave non-lawyers who are politically appointed in a position to discipline lawyers.

THE STATE BAR OF CALIFORNIA

Office of State Bar Court
Senior Executive, Styart A. Forsyth

Court Clerk's Office, 818 Wesy
Seventh Street, Suite 201, Los
Angeles, Ca. 90017-3432
213-689- 6200

August 11, 1989

Robert F. Wandruff
Clerk of the Supreme Court
4250 State Building
San Francisco, Ca.
94102

In re: 86-O- 17453

In re the matter or Betsey Warren Lebbos (Mary A. Grilli, Esq., John Miller, Esq. Jeralyn Spradlin, Esq., complaining witnesses)

Dear Mr. Wandruff:

Enclosed please find the following record in the matter of Bestey Warren Lebbos:

1. Pleadings and orders as listed on attached index of Pleadings,

2, Notice accompanying service of Hearing panel decision' Declaration of Service and attached Decision

filed January 9,1989;

3. Certified copy of Minutes of the Review Department Meeting, adopted on June 22, 1989, and Declaration of Service Thereto;

4. Digest of Exhibits;

5. Certificate of the mailing of the information as to the filing of the record in the Supreme Court; and

6. Transcripts of testimony taken before a hearing panel of the State Bar Court, consisting of twenty-five (25) volumes.

Also enclosed are original exhibits which are being lodged with the Court.

The attorney has not had prior discipline imposed upon her.

COUNT ONE *

In or about December, 1985 you received the sum of $ 2,500 in trust for your client Robert Miller. You failed to deposit said funds in a client trust account, You commingled said funds with your own, You misappropriated said funds.
(* The misappropriation charge was dismissed). ....

COUNT TWO

On or about June 12, 1987, in the family law case of In re Rhedrick, you filed with the court an alleged copy of a court order, when in fact no such order had been signed by the Judge. ...

COUNT THREE *

1. DISMISSED.

3 (2)-On or about December 21, 1984,in the case of Lebbos v. Wooten,

judgment was rendered against you in the amount of $ 51,000. On or about June 6, 1986, in accord with an Order of Examination, your deposition was taken in an effort to determine your income and assets.At that deposition, you concealed assets from the judgment creditor. ...

COUNT FOUR

1. In about February, 1987 you became attorney for Sat Sandhir in the family law case of In re Sandhir, Santa Clara County Superior Court, No. 528229.

2. In or about February, 1987 you sought to disqualify Judge James Stewart from the Sandhir case. In doing so, you made false statements in your moving papers and in court in support of your effort.

3. In or about March, 1987, you

received a stipulation in Sandhir prepared by opposing counsel and signed by opposing counsel and her client. You altered the stipulation in Sandhir without the consent of opposing counsel. You submitted it to the court without informing the court that the allegations were made without the consent of opposing counsel.

4. When asked by The State Bar to explain your conduct, you made false statements in a letter dated August 12, 1987....

COUNT FIVE *

1. On or about March 25, 1987, and April 28,1987,in open court while you were present, Judge Franklin Elia disqualified himself from all cases involving you.

2. In spite of said disqualification, you appeared with clients in Judge

Elia's courtroom on or about July 13, 1987, July 20, 1987, and August 3, 1987, and resisted Judge Elia's efforts to reassign the cases to other judges.

3. The July 20, 1987 hearing concerned the matter of In re Slyvia. You called Judge Elia " an asshole." You asked your client to sign an affidavit that you did not do so.You charged attorney's fees to your client for the time spent in Judge Elia's courtroom.

(* the affidavit and attorney's fees charges were dismissed)

COUNT SIX

1. Since in or about 1986, you have repeatedly made offensive statements about judges, opposing counsel, and other persons connected with cases that you were involved in. The

offensive behavior was not required by the particular case.

2. The following instances of your offensive behavior occurred in 1986:

A. On or about September 14, 1986, you stated that Santa Clara County Superior Court is dirty and fails to follow lawful procedures.

B. On or about September 19, 1986, you filed a declaration in Lebbos vs. Wooten which contained repeated offensive attacks on judges in Santa Clara County.

C. On or about December 22, 1986, in the Bankruptcy of Betsey Lebbos, you accused Judge Rushing of making an illegal order; And accused Ms. Wooten and attorney Jeralyn Spradlin of stealing your mail.

3. The following instances of your

offensive behavior occurred in 1987:

A. On or about February 17, 1987, you stated that Judge James Stewart is incapable of understanding his oath of office, that he is reckless, that he is deliberately destroying a child's life, and that he is racially biased.

B. On or about April 4, 1987, you stated that Judge Stewart meddles beyond public decency, that he is bigoted, and that court attache Baron is a flunky.

C. On or about April 16, 1987, you circulated letters in Santa Clara County in which you made offensive comments about Judges Fogel, Stewart, Elia, and Rushing.

D. On or about July 20, 1987, you called Judge Elia " asshole" in front of your client and other

offensive behavior was not required by the justice of the particular case.

E. On or about August 18, 1987 , you sent a letter to the State Bar attacking Judges Elia, Fogel, Stewart, and the entire Santa Clara County Bench.

F. (1) On or about August 31, 1987, in the courthouse cafeteria, you shouted to Judge Jeremy Fogel he was " shit.

(2) On or about November 25, 1987, in front of other litigants and attorneys, you called the same Judge Stewart " slime."

G. On or about October 19, 1987, in <u>In Re Kemp,</u> You referred to Judge Thomas Black's pending criminal prosecution although it had no relevance to the matter before the

Court; b) You also made other charges against Judge Black without any factual basis to support them.

H. On or about November 25, 1987, you were held in contempt for your behavior in the Webber matter.

I. On or about August 10, 1987, you filed papers in the Marriage of Jones referring to attorney Olson as an abused child.

J. On or about August 17, 1987, you sent a letter to Family Court services, copy to Attorney Olson, accusing Olson of disbarable conduct, fraud, and other offensive statements.

4. The following instances of your offensive behavior occurred in 1988:

A. On or about February 12, 1988, you sent a letter to Commissioner Lois

Kittle accusing Judge Fogel of political protection of attorneys and accusing Ms. Kittle of being part of a criminal conspiracy.

B. On or about February 12, 1988, you sent a letter to Judge Stone, calling specified judges and attorneys stooges in drag; and accusing them of being part of a cover up.

C. On or about February 12, 1988, you sent a letter accusing Judge Fogel of covering up an embezzlement.

D. On or about February 17, 1988, you sent a letter accusing attorney Paul Jacobs of participating in, and covering up, an embezzlement.

E. On or about February 17, 1988, you sent a letter accusing Judge Fogel of covering up an embezzlement.

F. On or about February 20, 1988, you

sent a letter making offensive statements about Commissioner Kittle.

G. On or about February 29, 1988, in Munn v. Lebbos, you filed a 26 page declaration making many offensive statements about judges and other attorneys.

H. On or about February 23, 1988, you sent a letter to the State Bar attacking Judge Fogel.

I. On or about February 27, 1988, you sent a letter to Commissioner Kittle accusing the Family Law Court of causing mass murder and embezzlement.

COUNT 7

1. Since in or about 1986 you have made false statements about judges, attorneys, and other persons. Said statements were made with no factual basis to support them.

2. You made the following statements

A. In Lebbos vs. Wooten, at your deposition taken on or about June 6, 1986, you testified that you had so few client files that they fit in your desk. On September 19, 1987, you filed a declaration claiming to have approximately 1,000 client files at the same location.

B. On or about December 22, 1986, in the Bankruptcy of Betsey Lebbos, you claimed that a court order affecting your assets was illegal.

C. From approximately August through September 1986, you left messages on your answering machine stating that a Federal Grand Jury was investigating attorneys John Miller and Mary Ann Grilli.

D. On or about September 14, 1986, you stated that criminal charges and State Bar charges were being filed

against attorneys Miller and Grilli.

3. You made the following statements in 1987:

A. In or about April, 1987 you accused Judge Rushing of trying to bankrupt you out of spite.

B. On or about October 19, 1987 you accused Judge Black of awarding custody of the children in the Kemp matter without notice to the other party.

C. On or about November 23, 1987, you falsely represented to the Court of Appeal that the State Bar had decided not to bring charges against you based on Judge Fogel's Complaint.

4. You made the following statements in 1988:

A. In a letter dated February 27, 1988, you accused the Court of issuing an O.S.C. in Black v. Farley

without a supporting affidavit.

B. In a letter dated February 9,1988, you asserted that Judge Stone converted property of the Federal Court.

C. In a letter dated February 12, 1988, you asserted the existence of a federal court order to turn over moneys allegedly belonging to you.

COUNT 8

1. From and since early 1987, you have sought to disqualify all Santa Clara County Judges from hearing cases in which you are an attorney. Your initial motion to disqualify the judges was denied on or about April 30, 1987. Since then you have repeatedly filed the same or similar motions in subsequent proceedings, although there were no new facts to justify them.

2. After you lost various rulings in Lebbos vs. Wooten, you filed Lebbos vs. Judges of the Superior Court (United States District Court, N.D., CA, # C 86 20704 SW), which lawsuit was not just, and which lawsuit was commenced with the corrupt motive of passion and/ or interest.

COUNT NINE

On or about October 21, 1986 you filed Lebbos et al. vs. Judges of the Superior Court. In that suit you named Martha McCutcheon as a plaintiff. You did so without McCutcheon's knowledge or consent. ..,

Dated: February 26, 1988